REMARKS

Reconsideration and reexamination of the above-referenced patent application, is respectfully requested.

Claims 3, 5-6 have been canceled without prejudice.

Rejection Under 35 USC §102

Claims 1-14, 16-17, 21-23, and 25 have been rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 4,850,036 of Smith. ("Smith").

To anticipate a claims, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Manual of Patent Examining Procedures (MPEP) ¶ 2131.)

Independent claims 1, 10, 17, 22 and 26 of the present application include limitations not disclosed or taught by Smith. As a result, claims 1, 10, 17, 22 and 26 are not anticipated by the Smith.

In particular, applicants respectfully submit that Smith fails to teach or suggest Applicants' invention as claimed, including, for example, Applicants' claimed limitation of operating a first device at a *first hopping frequency* during a first period of time to communicate with a second device, and at a *second hopping frequency* during a second period of time to communicate with a third device *during a contention free*

period (emphasis added) as set forth in claim 1 (similar limitation set forth in the remaining independent claims).

Therefore, Applicants respectfully submit that Smith does not teach or suggest Applicants' invention as set forth in independent claims 1, 10, 17, 22 and 26. Furthermore, the remaining claims that were also rejected as being anticipated by Smith, depend from one of the independent claims discussed above and therefore also include the distinguishing claim limitations. As a result, the remaining claims are also not anticipated by Smith.

Rejection Under 35 USC §103

Claims 1-30 have been rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,414,731 of Antunnes et al ("Antunnes"), in view of U.S. Patent No.5,241,542 of Nataranjan et al ("Nataranjan ").

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

Once again, independent claims 1, 10, 17, 22 and 26 of the present application include limitations not disclosed or taught by Antunnes or Nataranjan. As a result, claims 1, 10, 17, 22 and 26 are patentable over Antunnes in view of Nataranjan.

In particular, applicants respectfully submit that Antunnes and Nataranjan fail to teach or suggest Applicants' invention as claimed, including, for example, Applicants' claimed limitation of "operating a first device at a *first hopping frequency* during a first period of time to communicate with a second device, and at a *second hopping frequency* during a second period of time to communicate with a third device *during a contention free period*" (emphasis added) as set forth in claim 1 (similar limitation set forth in the remaining independent claims).
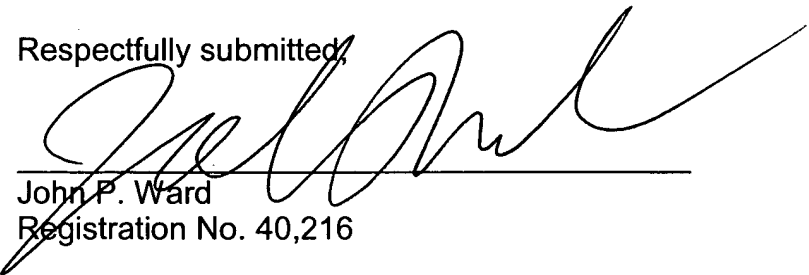
Therefore, Applicants respectfully submit that Antunnes nor Nataranjan teach or suggest Applicants' invention as set forth in independent claims 1, 10, 17, 22 and 26. Furthermore, the remaining claims that were also rejected as being unpatentable over Antunnes in view of Nataranjan depend from one of the independent claims discussed above and therefore also include the distinguishing claim limitations. As a result, the remaining claims are also patentable over Antunnes in view of Nataranjan.

Conclusion

In view of the amendments and remarks set forth above, Applicants respectfully submit that the objections and the rejections of the claims submitted for examination have been overcome, and that the now pending claims are in condition for allowance.

Respectfully submitted,

Date: 01/14/2003

John P. Ward
Registration No. 40,216

Blakely Sokoloff Taylor Zafman LLP
12400 Wilshire Boulevard, Seventh Floor
Los Angeles CA 90025-1030
(408) 720-8300 x237